

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 866

Introduced by Howard, 9

Read first time January 5, 2006

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to child care; to amend section 43-2606,
2 Reissue Revised Statutes of Nebraska, and section
3 71-1916, Revised Statutes Cumulative Supplement, 2004; to
4 require review of rules and regulations as prescribed;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2606, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-2606 (1) The Department of Health and Human Services
4 Regulation and Licensure shall adopt and promulgate rules and
5 regulations for mandatory training requirements for providers
6 of child care and school-age-care programs. Such requirements
7 shall include preservice orientation and at least four hours of
8 annual inservice training. All child care programs required to
9 be licensed under section 71-1911 shall show completion of a
10 preservice orientation approved or delivered by the department
11 prior to receiving a provisional license.

12 (2) The department shall initiate a system of documenting
13 the training levels of staff in specific child care settings to
14 assist parents in selecting optimal care settings.

15 (3) The training requirements shall be designed to meet
16 the health, safety, and developmental needs of children and shall
17 be tailored to the needs of licensed providers of child care
18 programs.

19 (4) The department shall provide or arrange for training
20 opportunities throughout the state and shall provide information
21 regarding training opportunities to all providers of child care
22 programs at the time of registration or licensure, when renewing a
23 registration, or on a yearly basis following licensure.

24 (5) Each provider of child care and school-age-care
25 programs receiving orientation or training shall provide his or her

1 social security number to the department.

2 (6) Rules and regulations adopted and promulgated under
3 this section by the Department of Health and Human Services shall
4 be deemed adopted and promulgated by the Department of Health and
5 Human Services Regulation and Licensure on and after August 28,
6 1999.

7 (7) The Department of Health and Human Services
8 Regulation and Licensure shall review all rules and regulations
9 adopted and promulgated pursuant to the Quality Child Care Act
10 every five years for needed revisions and shall report such needed
11 revisions to the Legislature upon completion of the review.

12 Sec. 2. Section 71-1916, Revised Statutes Cumulative
13 Supplement, 2004, is amended to read:

14 71-1916 (1) The department shall adopt and promulgate
15 such rules and regulations, consistent with the Child Care
16 Licensing Act, as necessary for (a) the proper care and protection
17 of children in programs regulated under the act, (b) the issuance
18 and discipline of licenses, and (c) the proper administration of
19 the act.

20 (2) The department shall adopt and promulgate rules and
21 regulations establishing standards for the physical well-being,
22 safety, and protection of children in programs licensed under
23 the Child Care Licensing Act. Such standards shall insure that
24 the program is providing proper care for and treatment of the
25 children served and that such care and treatment is consistent with

1 the children's physical well-being, safety, and protection. Such
2 standards shall not require the use of any specific instructional
3 materials or affect the contents of any course of instruction
4 which may be offered by a program. The rules and regulations
5 shall contain provisions which encourage the involvement of parents
6 in child care for their children and insure the availability,
7 accessibility, and high quality of services for children.

8 (3) The rules and regulations shall be adopted and
9 promulgated pursuant to the Administrative Procedure Act, except
10 that the department shall hold a public hearing in each geographic
11 area of the state prior to the adoption, amendment, or repeal of
12 any rule or regulation.

13 (4) The Department of Health and Human Services
14 Regulation and Licensure shall review all rules and regulations
15 adopted and promulgated pursuant to the Child Care Licensing Act
16 every five years for needed revisions and shall report such needed
17 revisions to the Legislature upon completion of the review.

18 (5) The rules and regulations applicable to programs
19 required to be licensed under the Child Care Licensing Act do not
20 apply to any program operated or contracted by a public school
21 district and subject to the rules and regulations of the State
22 Department of Education as provided in section 79-1104.

23 ~~(5)~~ (6) Contested cases of the department under the Child
24 Care Licensing Act shall be in accordance with the Administrative
25 Procedure Act.

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1 Sec. 3. Original section 43-2606, Reissue Revised
2 Statutes of Nebraska, and section 71-1916, Revised Statutes
3 Cumulative Supplement, 2004, are repealed.